IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6746 OF 2006

Suchitra Arun Balwatkar ..Petitioner

Versus

The State of Maharashtra and others ... Respondents

Mr. R.K. Mendadkar with Ms. Helen Mandlik for the petitioner.

Mr. R.D. Rane, Government Pleader, for respondent Nos. 1 to 3.

Respondent Nos. 4 and 5 served (absent).

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: DECEMBER 18, 2006.

P.C.

Rule. The learned Government Pleader waives service of Rule on behalf of Respondent Nos. 1 to 3. Heard forthwith.

2. The petitioner was granted admission to the First Year of Bachelor of Dental Surgery Course in Respondent No.4 College during the academic year 2005-2006, on the basis of the caste certficate issued to her by the Competent Authority on 10th November, 2004, as

belonging to Mahadev Koli, Scheduled Tribe. As per the procedure prescribed, her certificate was sent for verification to the Scrutiny Committee, on 29th March, 2004. The said Committee after conducting an inquiry and after perusing the documents placed on record and other aspects, cancelled the certficiate on the plea that the school record of the relatives of the petitioner shows the caste as Koli in the year 1932, 1934 and 1939 respectively. We have gone through the same and find no infirmity. The same is, therefore, confirmed.

3. However, the learned counsel for the petitioner prayed for protection of petitioner's admission in Respondent No.4 College. Concededly, the petitioner is prosecuting her studies in the said College and if her admission is cancelled, no other candidate would be available to take the seat of the petitioner, and resultantly the said seat would go waste. Accordingly, we direct that the admission of the petitioner be regularised in her capacity as a open/general category candidate and further direct that she wil not henceforth take any advantage of or claim to belong to the Scheduled Tribe category any further for any purpose.

4. Rule is made absolute in the aforesaid terms with no order as to costs.

CHIEF JUSTICE

V.M. KANADE, J.